



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 12, 1996

Mr. Barney R. Iles, Ed.D.
Executive Director for Personnel Services
La Porte Independent School District
301 East Fairmont Parkway
La Porte, Texas 77571

OR96-2381

Dear Mr. Iles:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102375.

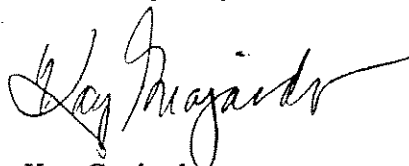
The La Porte Independent School District ("LPISD") received a request for the names of "two suspects who were apparently apprehended for damaging vehicles parked in the school parking lot." You submitted a representative sample of information in the file of one student that would identify him as one of the students apprehended for damaging vehicles in the school parking lot. You say that since the other apprehended student had withdrawn from LPISD at the time of the parking lot incident, LPISD has no records that indicate his involvement.

Section 552.026 of the Government Code provides: "This chapter [552 of the Government Code, the Open Records Act] does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974 ["FERPA"], Sec. 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g." Generally, FERPA prohibits, in most circumstances, the release of personally identifiable non-directory information in education records without a parent's consent. *See* 20 U.S.C. § 1232g(b); *see also id.* § 1232g(a)(4) (defining "education records" for purposes of FERPA). We believe the requested names are personally identifiable non-directory information in an education record for purposes of FERPA. Accordingly, LPISD must withhold from public disclosure the requested names pursuant to Government Code section 552.026. *See* Open Records Decision No. 634 (1995).¹

¹For your information, this office has recently ruled that an educational agency or institution may withhold from public disclosure personally identifiable nondirectory information in "education records" as defined in FERPA without the necessity of requesting an attorney general decision as to that exception. *See* Open Records Decision No. 634 (1995).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a stylized flourish at the end.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 102375

Enclosures: Submitted documents

cc: Ms. Jane M. O'Day
Claim Representative
State Farm Insurance Companies
900 Pecan Street
Del Rio, Texas 78840
(w/o enclosures)